

REMARKS

Claims 1-53 are pending in this application. Claim 17 was rejected under 35 U.S.C. § 112. Claims 1-6, 8-12, 14-21, 23-27, 29-37, 39-43, 45-49, 51 and 53 were rejected under 35 U.S.C. § 103.

Claim Rejections – 35 U.S.C. § 112

Claim 17 was rejected under 35 U.S.C. § 112. Claim 17 has been amended to address the rejection.

Claim Rejections – 35 U.S.C. § 103

1. Lack of Motivation

An assertion of obviousness in view of multiple references does not support a *prima facie* case of obviousness unless a motivation, suggestion or teaching is identified of the specific combination that was made by the applicants. *In re Kotzab*, 217 F.3d 1365, 1369, 55 USPQ2d 1313, 1316 (Fed. Cir. 2000). The Examiner asserts that a motivation is “to enable system stores data into a separate part of the database, and stores a row at a particular location in the database with a row identifier used to build indexes on the database.” Even if Garth taught such a need, the specific combination claimed by applicants is not motivated thereby. Garth contains no teaching that the stored data should be combined with entries in a partition table (like the one disclosed in Agarwal) to accomplish this purpose. The Examiner has utilized hindsight to combine aspects of the entries of Agarwal’s partition table 1000 with Garth’s storage of rows and output files without identifying any motivation for combining those two very different elements from different references.

The purported motivation is also deficient because Garth explicitly teaches that the indexes are built using records stored in output files, not partitions. “Additionally, each agent load process 300, 302, 304, and 306 writes records into one or more output files 330 and 332 for later processing.” Garth at col. 5, lines 37-39. Figure 3 of the Garth reference shows that the identified output files 330 and 332 are separate from the partitions and not associated with any particular partition. It is records in these files that include “information used to build indexes on the database.” Garth at col. 5, line 42. To the extent Garth teaches a need to build indexes on the database, it does not motivate storing information in a manner associated with partitions, instead it teaches using output files that are not associated with individual partitions. In the absence of a motivation or suggestion to combine, the obviousness rejection should be withdrawn. MPEP § 2143.01. Applicants respectfully request withdrawal of the obviousness rejections of claims 1-6, 8-12, 14-21, 23-27, 29-37, 39-43, 45-49, 51 and 53.

2. Neither Agarwal nor Garth Teach the Claimed File Contexts

Claims 1, 17, 32, and 48 each require, in pertinent part, "creating a file context for each partition of a subset of the populated partitions, each file context storing at least location data for a row in the partition and the first value associated with the row." Claims 2-6, 8-12, 14-16, 18-21, 23-27, 29-31, 33-37, 39-43, 45-47, 49, 51, and 53 each depend from one of claims 1, 17, 32, and 48. The Examiner identifies Garth as disclosing “each file context storing at least location data for a row in the partition and the first value associated with the row.” The identified portion of Garth, however, does not teach such file contexts. First, Garth teaches storing “a row at a particular location in the database with a row identifier (RID).” Garth at col. 5, line 36-37. That row is not a file context because it does not store both location data for a row in an associated partition, it is stored at a location like all rows but does not include location data,

and the first value associated with the row. Second, Garth teaches storing records in “one or more output files 330 and 332 for later processing.” Those output files are not parts of partitions and are not associated with any particular partitions. The claimed file contexts must be “for each partition of a subset of the populated partitions” and Garth’s output files teach away from that association. There is no prima facie case of obviousness where the asserted combination lacks at least one element. MPEP 2143; *In re Vaeck*, 947 F.2d 488, 493, 20 USPQ2d 1438, 1443 (Fed. Cir. 1991). The rejection of claims 1-6, 8-12, 14-21, 23-27, 29-37, 39-43, 45-49, 51 and 53 under 103(a) should be withdrawn because the asserted combinations do not disclose creating the claimed file context for each partition of a subset of partitions.

SUMMARY

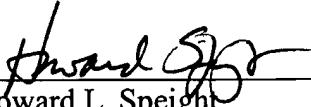
In light of the above remarks Applicants respectfully submit that the application is now in condition for allowance and early notice of the same is earnestly solicited. Should the Examiner have any questions, comments or suggestions in furtherance of the prosecution of this application, the Examiner is invited to contact the attorney of record by telephone, facsimile or electronic mail, as below.

Applicants believe no fees are due. However, should the Commissioner deem any fees are due, including any fees for additional extensions of time, Applicants respectfully request that the Commissioner accept this as a Petition Therefor, and further authorize the Commissioner to debit any additional fees due, or to credit any overpayments, to NCR Corporation Deposit Account Number **50-1673**, Order Number **069092.0124**.

Respectfully submitted,

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